

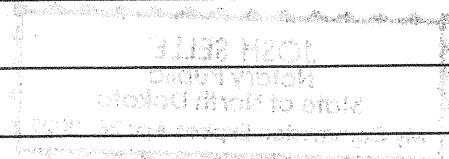
STATE OF NORTH DAKOTA )  
 ) SS.  
COUNTY OF Morton )

**AFFIDAVIT**

I, Tricia Schmeichel, an employee of Mandan Police Department, attest to the following:

1. That I am a trained and licensed peace officer with 2 years of experience with jurisdiction to enforce state law in Morton County, North Dakota.
2. That on the 20 day of February, 2017, at approximately 1600 hours, in Morton County, North Dakota, at (specific location) Highway 1806 South of Backwater Bridge
3. The suspect was identified as (Full Name) Tonita Carol Cervantes whose date of birth is (Month) Septembes (Day) 29, (Year) 1951, and is 05 years of age.
4. The following gives rise to probable cause to charge the suspect with:

- PHYSICAL OBSTRUCTION OF A GOVERNMENT FUNCTION, NDCC 12.1-08-01, Class A Misd.**
- CONSPIRACY TO COMMIT PHYSICAL OBSTRUCTION OF A GOVERNMENT FUNCTION, NDCC 12.1-06-04, 12.1-08-01, Class A Misd.**
- PREVENTING/RESISTING ARREST (FELONY OFFENSE), NDCC 12.1-08-02, Class C Felony**
- PREVENTING/RESISTING ARREST (MISD. OFFENSE), NDCC 12.1-08-02, Class A Misd.**
- RECKLESS ENDANGERMENT, NDCC 12.1-17-03, Class C Felony**
- CONSPIRACY TO COMMIT RECKLESS ENDANGERMENT, NDCC 12.1-06-04, 12.1-17-03, Class C Felony**
- CRIMINAL TRESPASS (POSTED LAND, PRIOR NOTICE, REFUSAL TO LEAVE), NDCC 12.1-22-03, Class B Misd.**
- CRIMINAL TRESPASS (CLOSED AS TO MANIFESTLY EXCLUDE INTRUDERS), NDCC 12.1-22-03, Class A Misd.**
- 2<sup>ND</sup> OFFENSE OF CRIMINAL TRESPASS (POSTED LAND, PRIOR NOTICE, REFUSAL TO LEAVE), NDCC 12.1-22-03, Class A Misd.**
- DISORDERLY CONDUCT, NDCC 12.1-31.01, B Misd.**
- CRIMINAL MISCHIEF (>\$2000/DESTRUCTIVE DEVICE), NDCC 12.1-21-05, Class C Felony**
- SIMPLE ASSAULT ON A PEACE OFFICER, NDCC 12.1-17-01, Class C Felony**
- AGGRAVATED ASSAULT, NDCC 12.1-17-02, Class C Felony**
- TERRORIZING, NDCC 12.1-17-04, Class C Felony**
- CONTACT BY BODILY FLUIDS, NDCC 12.1-17-11, Class C Felony**
- FELON IN POSSESSION OF A FIREARM, NDCC 62.1-02-01, Class C Felony**
- POSSESSION OF AN EXPLOSIVE, NDCC 62.1-02-11, Class C Felony**
- CARRYING A CONCEALED FIREARM OR WEAPON, NDCC 62.1-04-02, Class A Misd.**
- INCITING A RIOT, NDCC 12.1-25-01, Class C Felony**
- ENGAGING IN A RIOT, NDCC 12.1-25-03, Class A Misdemeanor**
- ENDANGERING BY FIRE/EXPLOSION, NDCC 12.1-21-02, Class B Felony**
- OTHER: \_\_\_\_\_
- OTHER: \_\_\_\_\_
- OTHER: \_\_\_\_\_
- OTHER: \_\_\_\_\_



5. Circumstances and/or other facts:

On 2/22/2017, I, Officer Schmeichel, was on duty & serving as a special deputy in Morton County. I was assigned to be a member of the arrest team. The field force was sent to the area of the Backwater Bridge. While there, a group of individuals associated with the No DAPL protests were on the roadway. This was around 1600 hours. The individuals were advised to leave or they'd be subject to arrest. Many refused to leave. A female was detained/arrested by myself & other officers. The female was later identified as Tonita Cervantes. Cervantes was detained/arrested & then released to other officers for transport.

Dated this 22 day of February, 2017.

*[Signature]*  
Complaining Officer/Affiant

Subscribed and sworn before me on the 24 day of Feb, 2017.

*[Signature]*  
Notary  
Morton County

